

## **Remarks**

### **Status of the Application**

Prior to entry of this amendment, claims 30-34, 40 and 44-51 were pending. The Office Action mailed October 18, 2011 (the "Office Action") rejected claims 30-34, 40 and 44-51 under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,169,894 to McCormick et al. ("McCormick"), in view of US Patent No. 6,246,430 to Peters et al. ("Peters").

This paper amends claims 30 and 40. No claims have been added or canceled. Hence, after entry of this paper, claims 30-34, 40 and 44-51 will stand pending for examination. Claims 30 and 40 are independent claims.

### **Claim Amendments**

Claim 30 has been amended to recite, "wherein, if it is determined that the first wireless handset can receive only a portion of the media program, broadcasting the selected media program comprises transmitting only the portion of the media program that the first wireless handset can receive." Claim 40 has been amended in similar fashion. Support for these amendments can be found throughout the application, including inter alia, in paragraph 0017.

### **Rejections under 35 U.S.C. § 103**

#### ***Claims 30-34, 40 and 44-51***

Claims 30-34, 40 and 44-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCormick, in view of Peters. These rejections are respectfully traversed, because the Office Action has not demonstrated that the cited combination either teaches or suggests each element of any rejected claim. Nonetheless, in the interest of expediting prosecution, claims 30 and 40 have been amended to recite additional novel features not found in either McCormick or Peters.

For example, claim 30 recites, "wherein, if it is determined that the first wireless handset can receive only a portion of the media program, broadcasting the selected media program comprises transmitting only the portion of the media program that the first wireless handset can receive." Neither McCormick nor Peters appears to disclose this feature. Accordingly, claim 30 is allowable over the combination of McCormick and Peters for at least this reason. Claim 40,

which recites similar features, is allowable over McCormick and/or Peters for at least similar reasons. The remaining claims are allowable at least by virtue of their dependence from either claim 30 or claim 40.

#### Conclusion

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This paper constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

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